

Panaji, 26th April, 1990 (Vaisakha 6, 1912)

SERIES I No. 4

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

#### Department of Personnel

#### Notification

2/7/76-PER (Vol. III)(B)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the Governor of Goa, in consultation with the Goa Public Service Commission, vide their letter No. COM/II/13/54(1)/88 dated 13-3-1990 hereby amends the Recruitment Rules to All Group 'B' posts in various Departments under the Government of Goa (hereinafter called the 'said Rules'), as follows:—

2. In the Schedule annexed to the said Rules, for existing entry under column 12, the following entry shall be substituted, namely:—

*"Group 'B' Departmental Promotion Committee*

- (1) Chairman/Member, GPSC — Chairman.
- (2) Chief Secretary or his nominee — Member.
- (3) Administrative Secretary/Head of the Department — Member.

3. The above Departmental Promotion Committee shall also consider confirmation of officers in Group 'B' posts".

4. This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Smt. *Prabha Chandran*, Under Secretary (Personnel).

Panaji, 24th April, 1990.

#### Notification

2/7/76-PER (Vol. III)(C)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the Governor of Goa, in consultation with the Goa Public Service Commission, vide their letter No. COM/II/13/54(1)/88 dated 13-3-1990 hereby amends the Recruitment Rules to All Group 'A' posts in various Departments under the Government of Goa (hereinafter called the 'said Rules'), as follows:—

2. In the Schedule annexed to the said Rules, for existing entry under column 12, the following entry shall be substituted, namely:—

*"Group 'A' Departmental Promotion Committee*

- (1) Chairman/Member, GPSC — Chairman.
- (2) Chief Secretary or his nominee — Member.

(3) Administrative Secretary/Head of the Department — Member.

3. The above Departmental Promotion Committee shall also consider confirmation of officers in Group 'A' posts".

4. This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Smt. *Prabha Chandran*, Under Secretary (Personnel).

Panaji, 24th April, 1990.

#### Transport Department

#### Notification

5/28/88-TPT

The below mentioned Notification No. G.S.R. 389(E) dated 21-3-1990 from the Government of India, Ministry of Surface Transport, (Transport Wing), New Delhi, is hereby re-published for general information of the public.

P. S. *Nadkarni*, Under Secretary to the Govt. of Goa (Transport Department).

Panaji, 17th April, 1990.

#### GOVERNMENT OF INDIA

#### MINISTRY OF SURFACE TRANSPORT

#### (Transport Wing)

*New Delhi, dated the 21st March, 90*

#### Notification

G. S. R. 589(E) Whereas the draft of the Central Motor Vehicles (Amendment) Rules 1990, was published as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988) in the Gazette of India, Extraordinary, Part-II, Section 3 sub-section (i) dated the 25th January, 1990 with the notification of the Government of India in the Ministry of Surface Transport No. GSR 35(E) dated 25-1-1990 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 30 days from the date on which the copies of the said notification, as published in the Gazette of India are made available to the public;

And whereas, copies of the said notification were made available to the public on the 13th February, 1990;

And whereas the objections and suggestions received on the said draft have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988, the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989 namely:—

1. (1) These rules may be called the Central Motor Vehicles (Amendment) Rules, 1990.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 103 of the Central Motor Vehicles Rules, 1989 for sub-rule (2) the following sub-rule shall be substituted, namely:—

(2) On and from the 1st day of June, 1990 in the cases of motor cycles, other than those not exceeding 70 CC, built-in direction indicators blinker system shall be fixed both at the front and at the rear:

Provided that nothing contained in sub-rule (1) and this sub-rule shall apply to motor cycles registered before the 1st day of June, 1990".

Sd/-

(B. R. CHAVAN)

Joint Secretary to the Govt. of India

No. RT - 11028/1/90 - TAG

**Foot note:**—The principal rules were published vide GSR No. 590 (E) dated 2-6-1989, subsequent amendment by GSR No. 933 dated 20-10-1989.

### Law (Legal and Legislative Affairs) Department

#### Notification

10-3-88/LA (Part)

The Delhi Rent Control (Amendment) Act, 1988 (Central Act 57 of 1988) which was passed by Parliament and assented to by the President of India on 5-10-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 7-10-1988 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).  
Panaji, 7th February, 1989.

### The Delhi Rent Control (Amendment) Act, 1988

#### AN ACT

further to amend the Delhi Rent Control Act, 1958.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Delhi Rent Control (Amendment) Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*—In section 3 of the Delhi Rent Control Act, 1958 (hereinafter referred to as the principal Act),—

(i) in clause (a), the word "or" shall be omitted;

(ii) after the proviso, the following clauses shall be inserted, namely:—

(c) to any premises, whether residential or not, whose monthly rent exceeds three thousand and five hundred rupees; or

(d) to any premises constructed on or after the commencement of Delhi Rent Control (Amendment) Act, 1988, for a period of ten years from the date of completion of such construction.".

3. *Amendment of section 6.*—In section 6 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (A), in sub-clause (2), in item (b),—

(a) for the words "seven and one-half per cent.", the words "ten per cent." shall be substituted;

(b) for the word "reasonable", the word "actual" shall be substituted;

(c) the proviso shall be omitted;

(ii) in clause (B), in sub-clause (2), in item (b),—

(a) for the words "seven and one-half per cent.", the words "ten per cent." shall be substituted;

(b) for the word "reasonable", the word "actual" shall be substituted;

(c) the proviso shall be omitted;

(b) in sub-section (2),—

(i) in clause (a), the word "and" occurring at the end shall be omitted;

(ii) in clause (b), after the words "the commencement of this Act", the words, brackets and figures "but before the commencement of the Delhi Rent Control (Amendment) Act, 1988" shall be inserted;

(iii) after clause (b), the following clause shall be inserted, namely:—

(c) in the case of any premises, whether residential or not, constructed on or after the commencement of the Delhi Rent Control (Amendment) Act, 1988 and to which the provisions of this Act are made applicable by virtue of clause (d) of section 3, the rent calculated on the basis of ten per cent. per annum of the aggregate amount of the actual cost of construction of the premises and the market price of the land comprised in the premises on the date of commencement of the construction of the premises shall be deemed to be the standard rent".

4. *Insertion of new section 6A.*—After section 6 of the principal Act, the following section shall be inserted, namely:—

"6A. *Revision of rent.*—Notwithstanding anything contained in this Act, the standard rent,

or, where no standard rent is fixed under the provisions of this Act in respect of any premises, the rent agreed upon between the landlord and the tenant, may be increased by ten per cent. every three years.”.

5. *Amendment of section 7.*—In sub-section (1) of section 7 of the principal Act, for the words “seven and one-half per cent”, the words “ten per cent.” shall be substituted.

6. *Amendment of section 9.*—In section 9 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

“Provided that in working out the cost of construction of any premises or the market price of the land comprised in such premises for the purposes of section 6, or the cost of improvement, addition or alteration referred to in section 7, the Controller may take the assistance of any valuer approved by the Central Government in accordance with such rules as may be prescribed and the assessment shall be made by such valuer in the manner prescribed.”.

7. *Amendment of section 12.*—In section 12 of the principal Act,—

(i) in clause (b), in the opening portion, after the words “commencement of this Act”, the words, brackets and figures “but before the commencement of the Delhi Rent Control (Amendment) Act, 1988” shall be inserted;

(ii) before the proviso, the following clause shall be inserted, namely:—

“(d) in the case of any premises referred to in clause (c) of sub-section (2) of section 6, within two years from the date of such application.”.

8. *Amendment of section 14.*—In the proviso to sub-section (1) of section 14 of the principal Act,—

(i) in clause (h), the word “built,” shall be omitted;

(ii) after clause (h), the following clause shall be inserted, namely:—

“(hh) that the tenant has, after the commencement of the Delhi Rent Control (Amendment) Act, 1988, built a residence and ten years have elapsed thereafter.”.

9. *Insertion of new sections 14B and 14C.*—After section 14A of the principal Act, the following sections shall be inserted, namely:—

**14B. Right to recover immediate possession of premises to accrue to members of the armed forces, etc.**—(1) Where the landlord—

(a) is a released or retired person from any armed forces and the premises let out by him are required for his own residence; or

(b) is a dependent of a member of any armed forces who had been killed in action and the premises let out by such member are required for the residence of the family of such member,

such person or, as the case may be, the dependent may, within one year from the date of his release

or retirement from such armed forces or, as the case may be, the date of death of such member, or within a period of one year from the date of commencement of the Delhi Rent Control (Amendment) Act, 1988, whichever is later, apply to the Controller for recovering the immediate possession of such premises.

(2) Where the landlord is a member of any of the armed forces and has a period of less than one year preceding the date of his retirement and the premises let out by him are required for his own residence after his retirement, he may, at any time, within a period of one year before the date of his retirement, apply to the Controller for recovering the immediate possession of such premises.

(3) Where the landlord referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of only one of the premises chosen by him.

*Explanation.*—For purposes of this section, “armed forces” means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force constituted under section 3 of the Delhi Police Act, 1978.

34 of 1978.

**14C. Right to recover immediate possession of premises to accrue to Central Government and Delhi Administration employees.**—(1) Where the landlord is a retired employee of the Central Government or of the Delhi Administration, and the premises let out by him are required for his own residence, such employee may, within one year from the date of his retirement or within a period of one year from the date of commencement of the Delhi Rent Control (Amendment) Act, 1988, whichever is later, apply to the Controller for recovering the immediate possession of such premises.

(2) Where the landlord is an employee of the Central Government or of the Delhi Administration and has a period of less than one year preceding the date of his retirement and the premises let out by him are required by him for his own residence after his retirement, he may, at any time within a period of one year before the date of his retirement, apply to the Controller for recovering the immediate possession of such premises.

(3) Where the landlord referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of only one of the premises chosen by him.

**14D. Right to recover immediate possession of premises to accrue to a widow.**—(1) Where the landlord is a widow and the premises let out by her, or by her husband, are required by her for her own residence, she may apply to the Controller for recovering the immediate possession of such premises.

(2) Where the landlord referred to in sub-section (1) has let out more than one premises, it shall be open to her to make an application under that sub-section in respect of any one of the premises chosen by her.”.

10. *Amendment of section 19.* — In sub-section (1) of section 19 of the principal Act, after the word and figure "section 14", the words, figures and letters "or under section 14A, 14B, 14C, 14D and 21" shall be inserted.

11. *Amendment of section 21.* — Section 21 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered the following sub-section shall be inserted, namely:—

"(2) While making an order under sub-section (1), the Controller may award to the landlord such damages for the use or occupation of the premises at such rates as he considers proper in the circumstances of the case for the period from the date of such order till the date of actual vacation by the tenant.".

12. *Amendment of section 22.* — In the *Explanation* to section 22 of the principal Act, the words "but does not include any such institution set up by any private trust" shall be added at the end.

13. *Amendment of section 25B.* — In section 25B of the principal Act, in sub-section (1), after the words, figures and letter "or under section 14A", the words, figures and letters "or under section 14B or under section 14C or under section 14D" shall be inserted.

14. *Amendment of section 26.* — In section 26 of the principal Act,—

(a) in sub-section (1), the words "and where any default occurs in the payment of rent, the tenant shall be liable to pay simple interest at the rate of fifteen per cent, per annum from the date on which such payment of rent is due to the date on which it is paid" shall be added at the end;

(b) to sub-section (2), the following proviso shall be added, namely:—

"Provided that it shall be open to the tenant to remit the rent to his landlord by postal money order.".

15. *Amendment of section 27.* — In section 27 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that in cases where there is a *bona fide* doubt as to the person or persons to whom the rent is payable, the tenant may remit such rent to the Controller by postal money order.".

16. *Amendment of section 38.* — In sub-section (1) of section 38 of the principal Act,—

(a) after the words "made under this Act", the words "only on questions of law" shall be inserted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that no appeal shall lie from an order of the Controller made under section 21.".

17. *Omission of section 39.* — Section 39 of the principal Act shall be omitted.

18. *Amendment of section 48.* — For sub-section (3) of section 48 of the principal Act, the following sub-section shall be substituted, namely:—

"(3) If any landlord re-lets or transfers the whole or any part of any premises in contravention of the provisions of sub-section (1) or sub-section (2) of section 19 he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.".

19. *Amendment of section 49.* — In section 49 of the principal Act,—

(a) for the words "magistrate of the first class" at both the places where they occur, the words "Metropolitan Magistrate" shall be substituted;

(b) for the words and figures "section 32 of the Code of Criminal Procedure, 1888", the words and figures "section 29 of the Code of Criminal Procedure, 1973" shall be substituted; 5 of 1898  
2 of 1974.

(c) for the words "two thousand rupees", the words "five thousand rupees" shall be substituted;

20. *Amendment of section 56.* — In sub-section (2) of section 56 of the principal Act, clause (a) shall be relettered as clause (aa) thereof, and before the clause as so relettered, the following clause shall be inserted, namely:—

"(a) the manner of approval of valuers and the procedure to be followed by such valuers under the proviso to sub-section (2) of section 9;".

#### Notification

10-6-90/LA,

The Code of Criminal Procedure (Amendment) Ordinance, 1990 (No. 1 of 1990) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 19th February, 1990, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 20th March, 1990.

#### MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th February, 1990  
Magha 30, 1911 (Saka)

#### THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1990

No. 1 of 1990

Promulgated by the President in the Forty-first Year  
of the Republic of India.

An Ordinance further to amend the Code  
of Criminal Procedure, 1973

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1990.

(2) It shall come into force at once.

2. *Insertion of new sections 166A and 166B.*—In the Code of Criminal Procedure, 1973, in Chapter XII, after section 166, the following sections shall be inserted, namely:—

“166A. *Letter of request to competent authority for investigation in a country or place outside India.*—(1) If, in the course of an investigation into an offence, the investigating officer or an officer superior in rank to the investigating officer, has reason to believe that evidence may be available in the country or place outside India, he may issue a letter of request—

(i) to the authority competent, to investigate such offence in that country or place, to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to reduce into writing any statement made in the course of such examination and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case; or

(ii) to the authority competent, to direct such an investigation in that country or place, to cause it to be made in like manner,

and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the officer issuing such letter of request.

(2) Notwithstanding anything contained in sub-section (1), if, in the course of an investigation into an offence, an application is made by the investigating officer or any officer superior in rank to the investigating officer that evidence may be available in a country or place outside India, any Criminal Court may issue a letter of request to a Court or an authority in that country or place competent to examine orally any person supposed to be acquainted with the facts and circumstances of the case and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case and to forward all the evidence so taken or collected or the authenticated

copies thereof or the thing so collected to the Court issuing such letter.

(3) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.

(4) Every statement recorded or document or thing received under sub-section (1) or sub-section (2) shall be deemed to be the evidence collected during the course of investigation under this Chapter.

166B.—*Letter of request from a country or place outside India to a Court or authority for investigation in India.*—(1) Upon receipt of a letter of request from a Court or authority in a country or place outside India competent to issue such letter in that country or place for the examination of any person or production of any document or thing in relation to an offence under investigation in that country or place, the Central Government may, if it thinks fit, —

(i) forward the same to the Chief Metropolitan Magistrate or Chief Judicial Magistrate or such Metropolitan Magistrate or Judicial Magistrate as he may appoint in this behalf, who shall thereupon summon the person before him and record his statement or cause the document or thing to be produced; or

(ii) send the letter to any police officer for investigation, who shall thereupon investigate into the offence in the same manner, as if the offence had been committed within India.

(2) All the evidence taken or collected under sub-section (1), or authenticated copies thereof or the thing so collected, shall be forwarded by the Magistrate or police officer, as the case may be, to the Central Government for transmission to the Court or the authority issuing the letter of request, in such manner as the Central Government may deem fit.”

R. VENKATARAMAN,  
President.

V. S. RAMA DEVI,  
Secy to the Govt. of India.

#### Corrigendum

The date of the Notification No. 1/26-PER (Vol.IV) of the Department of Personnel, published at 1st page of the Official Gazette Series I No. 2 dated 12-2-1990 should be read as “28th August, 1989” instead of “28th August, 1990”.